

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:	
THE COMPLAINT OF CAROLYN FRAHM	DOCKET NO. FCU-2013-0007

**ORDER GRANTING MOTION FOR CONFIDENTIAL TREATMENT  
FILED JUNE 19, 2015**

(Issued July 1, 2016)

On June 19, 2015, Windstream Iowa Communications, Inc. (Windstream), filed with the Utilities Board (Board) a motion for confidential treatment of certain portions of the "Response to Proposed Solutions" filed in this proceeding by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, on May 26, 2015. OCA filed public and confidential versions of its Response. Windstream asks for confidential treatment of those portions of the Response that are excerpts from the Compliance Manual Windstream filed with the Federal Communications Commission (FCC) on a confidential basis.

Windstream explains the confidential excerpts from the Compliance Manual were taken from OCA's Exhibit W-49A and include information about Windstream's procedures for internal operations relating to completion of calls. Windstream describes the information for which confidential treatment is sought as proprietary business information and trade secrets. Windstream filed its motion for confidential treatment pursuant to Iowa Code §§ 22.7(3) and (6) and the Board's rule at 199 IAC

1.9(5)(a)(1) and (3). Windstream asserts the confidential excerpts are entitled to protection from public disclosure under Iowa Code §§ 22.7(3) and (6) as trade secrets or as a report to a governmental agency which, if released, would give advantage to competitors and serve no public purpose.

Windstream states it exercises reasonable care to maintain the secrecy of the information and that public disclosure of the information could cause harm to Windstream's business operations. In support of the motion, Windstream attaches the affidavit of Kristi Moody, Deputy General Counsel and Assistant Secretary of Windstream, in which Ms. Moody attests to the competitively sensitive nature of the information. OCA did not resist Windstream's motion.

Based on Windstream's motion and affidavit, the information filed by OCA on May 26, 2015, is a report to a governmental agency, the release of which would give advantage to Windstream's competitors and serve no public purpose, making a prima facie case for granting the request for confidential treatment. The Board will hold the information confidential pursuant to Iowa Code § 22.7(6). Because the Board is granting Windstream's motion pursuant to Iowa Code § 22.7(6), the Board is not addressing the assertion that the information is also entitled to confidential treatment pursuant to Iowa Code § 22.7(3) as a trade secret.

**IT IS THEREFORE ORDERED:**

1. The request for confidential treatment filed by Windstream Iowa Communications, Inc., on June 19, 2015, is granted as described in the body of this order.
2. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)(b)(3).

**UTILITIES BOARD**

/s/ Geri D. Huser

ATTEST:

/s/ Trisha M. Quijano  
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 1<sup>st</sup> day of July 2016.